

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT RYAN RAUCH,

Petitioner,

v.

ALICE PAYNE,

Respondent.

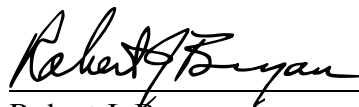
Case No. C05-5243RJB

ORDER ADOPTING REPORT
AND RECOMMENDATION

The Court having reviewed the Report and Recommendation of the Hon. J. Kelley Arnold, United States Magistrate Judge, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) The petition is **DISMISSED WITHOUT PREJUDICE**. At least one issue raised is unexhausted.
- (3) The clerk is directed to send copies of this Order to petitioner, counsel for respondent, and to the Hon. J. Kelley Arnold.

DATED this 9th day of September, 2005.


Robert J. Bryan
U.S. District Judge